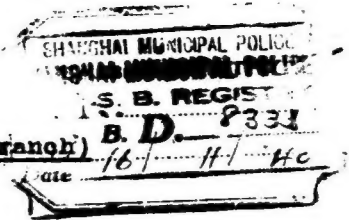


D-8339



Judges of Supreme Court (Shanghai Branch)
(Jointly Civil and Criminal)

Chief Judge

Oong Kyung Daung 翁敬棠庭長

Judge

Kwoh Sieu Sze 郭秀如推事

Judge

Kau Hyien 高 熙推事

Judge

Zau Voong Siau 曹鳳簾推事

CHIN

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November 9th, 1940.

Sir,

Officer-in-Charge.

W.C. (RB)
Sir Information -
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AUG 12 1939

Chinese Courts Still Function In Seized Areas

New Circuit Tribunals Adjusting Wartime Judicial Tangle

BY simplifying judicial administration and by organizing circuit courts, the Chinese authorities have been able to extend to their people in Japanese occupied areas the protection of the national laws, according to Chinese sources.

China's judicial system has at its apex the Supreme Court which has the power of final decision in all cases appealed. Next below it, come the high courts in different parts of the country, which hear appeals on decisions of district courts. The district courts are distributed in various counties throughout the country.

Special Permission

As long as circumstances permit, Chinese courts are required to carry on their duties in occupied areas. In areas where district courts have evacuated, the district magistrates are authorized to try cases pending the re-establishment of the courts.

In the absence of a high court, appeals may be heard by one of the district courts in the same judicial region, which has been so designated by the Ministry of Justice.

Circuit Courts

No district court, district government or district judicial bureau, which has been designated to take up appeal cases, is allowed to hear appeals against the decision it has rendered in cases of first instance.

In addition to these remedial measures, circuit courts have been organized to tour occupied areas. Superior court judges form these courts which are, therefore, competent to hear appeals.

The arrival of a circuit court in any district is usually preceded by notice, announcing the forthcoming hearing to the litigants. To simplify matters, the litigants are not required to state their respective cases in writing.

File
C 13/4

NORTH-CHINA DAILY NEWS.

DEC 18 1938

Circuit Judges for Occupied Areas

Officials Appointed By
Chungking to Resume
Judicial Control

Chinese authorities in Chungking think that they can not afford to surrender their judicial power in the Japanese-occupied districts and have therefore decided to assign "circuit" judges to work in the war zone. According to a Chinese report, detailed regulations are being worked out by the Ministry of Justice to carry out the new judicial system and they are expected to be made public soon.

It is now reported that the date for re-opening the Nantao District Court in Shanghai has been postponed. It will be recalled that recently officials of the "Reformed Government" at Nanking decided to resume the operations of the Nantao District Court on the New Year's Day. They have already appointed a chief judge and chosen the site of a former primary school for the court. The opening day has now been postponed to February 1 of 1939. No Chinese report has so far suggested that a "circuit" judge will work in Shanghai.

According to the reported plan of the Ministry of Justice, judges will be sent by high courts to work in war areas. They are to tour in war zones and in order to herald their arrival notices will be posted beforehand. The people who wish to bring cases to the attention of "circuit" judges do not need to write their petitions on official petition forms which are hard to obtain in such areas. No court fees will be collected.

"Circuit" judges will receive subsidies besides their salaries. In creating the new judicial system Chinese authorities are stated to have a two-fold purpose to carry out, first, to help the people in the war zone to have their grievances heard, and second, to prevent the Japanese and "puppet" officials from infringing upon the judicial right of the Chinese government, the report states.

CS.D. 22
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THE Ministry of Judicial Administration has issued an order to all higher and district courts in districts located in the vicinity of war zones that they are not to close their offices unless the administrative authorities of those districts deem it necessary to evacuate them, states a report to the "Sin Wan Pao." This order, it is stated, was prompted by the great inconvenience caused to litigants as a result of the unauthorized closure of law courts.

File
Q-2

Shanghai Supreme Court Branch Opening Shortly

The Shanghai branch of the Supreme Court of China, whose establishment has been decided upon by the Ministry of Judicial Administration as a measure of convenience to local litigants, will start functioning within a few days, states a report in the Chinese press.

According to the report, the president of the branch court, Mr. Weng Ching-tang, has arrived here with three judges, and has taken over several rooms in the premises of the Third Branch Higher Court for Kiangsu, which is located in Hengan Terrace, off Route de Sieyes as offices for the branch Supreme Court.

The jurisdiction of the new court, it is stated, extends only over appeals from the third trials conducted by the First and Second District Courts in Shanghai and will not cover routine administrative matters, which will continue to be handled by the Ministry of Judicial Administration.

Efforts are also being made by interested parties for the organization of a district court in Nantao, state Chinese reports. The tribunal, when established, will be independent of the Great Way City Government of Shanghai, it is stated.

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G. D. & Co. K. V.
C. H. D. K.
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SHANGHAI MUNICIPAL POLICE.

File No.

S.1, Special Branch ~~XXXXXX~~,

REPORT

Date February 22, 1938.

Subject.....Formation of a Branch of the Supreme Court of China.

Made by D. I. Pan Lien-pih Forwarded by *C. C. Ford D. I.*

A branch of the Supreme Court of China was recently formed and began to function on February 21, 1938, on the premises of the 3rd Branch of the Kiangsu High Court at 10 Heng An Li, Route Herve de Sieyes. The personnel of the Branch is composed of the following judges :-

Mr. Oong Ching Tang (翁敬棠), who will act as presiding judge.

Mr. Kuo Sui Ju (郭秀如), judge.

Mr. Tsao Feng Shao (曹凤箫), judge.

Mr. Sun Loo (孙洛), judge.

Mr. Hong Wen Lai (洪文澜), judge.

Pending the arrival of Mr. Hong Wen Lai, who is on his way from Hankow, a judge of the ~~2nd Branch~~ ^{as the} 3rd Branch of the Kiangsu High Court will be appointed to fill his place pro tem.

FILE

2BR.

241.

D. C. (Special Branch)

Pan Lien-pih

D. I.



SUPREME COURT OF CHINA BRANCH

Three Judges Arrive Here To Take Over Pending Cases

Judge Oong Ching-tang and three other judges are reported to have come to Shanghai for the purpose of organizing the Shanghai branch of the Supreme Court of China, which is located in Chungking. It is a measure for the convenience of local litigants. The branch court will start operations soon.

The newly-arrived judges have taken over several rooms in the Third Branch Kiangsu High Court in Hengan Terrace, off Route de Sieyes, where the branch Supreme Court will have its temporary office.

The jurisdiction of the new court, according to the report, extends over appeals from the third trials conducted by the First and Second District Courts in Shanghai, but will not cover routine administrative matters usually handled by the Supreme Court at Nanking, which has moved to Chungking.

S.V.
D.R. 16/2

C.D. & S. S. H.

C. 16/2

Per 16/2

D. T. P. 16/2

Report

Don't be late

16/2

COPY

Sin Wen Pao, Evening Edition, Dated January 23, 1938

REGULATIONS GOVERNING THE ORGANIZATION OF BRANCH SUPREME COURTS

Chungking Telegram: January 22, 1938.

The National Government issued an order on the 22nd instant: "We have enacted a set of Provisional Regulations Governing the Organization of the Branch Supreme Courts. By this order, we hereby promulgate them."

Article 1. In order to facilitate the disposition of law suits, the Supreme Court may establish branch Supreme Courts at suitable districts.

Article 2. The establishment of the Branch Supreme Courts and their respective jurisdictions shall be decided by order of the Judicial Yuan.

Article 3. The Branch Supreme Courts may be established in the High Courts or branch High Courts situated within the districts under their respective jurisdictions.

Article 4. The Branch Supreme Courts shall have the control of the civil and criminal cases on second appeal within their respective jurisdictions.

Article 5. A branch Supreme Court shall have five to seven Judges. A senior Judge shall be appointed as the Chief Judge to transact all the affairs relating to that Court and to concurrently serve as the Presiding Judge of both the civil and criminal divisions. Other Judges shall be responsible to assist in the disposal of civil and criminal cases.

SHANGHAI MUNICIPAL POLICE
- 9 FEB 1938
SPECIAL BRANCH

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P. A. W. G. (S. 10)

Article 6. A certain number of men may be transferred from the High Court or Branch High Court under the jurisdiction of the branch Supreme Court and appointed as clerks of that Court to take down notes and to transact all other affairs.

Article 7. A Branch Supreme Court may employ a certain number of employees to copy documents.

Article 8. A Branch Supreme Court may borrow the official seal of the High Court or Branch High Court under its jurisdiction.

Article 9. These Regulations shall come into force on the day of their promulgation.

最高法院分庭組織條例

△重慶 二十二日電 國府廿二日令茲制定最高法院分庭組織暫行條例並
布之此令

第一條 最高法院爲便於處理訴訟事件得就適當區域設立分庭

第二條 最高法院分庭之設置及其管轄區域以同法院令定之

第三條 最高法院分庭得設於各該區域之高等法院或分庭內

第四條 最高法院分庭管理各該區域內第三審民刑事事件

第五條 最高法院分庭設推事五人至七人以實錄一人充庭長處理該分庭

一切事務並兼民刑兩庭審判及其餘推事分掌民刑審判事件

第六條 最高法院分庭書記官得就各該區域之高等法院或分庭內選用若

干人辦理紀錄及其他一切事務

第七條 最高法院分庭得酌用雇用若干人辦理文件

第八條 最高法院分庭得費用各該區域內高等法院或分庭酌給

第九條 本條例自公布日施行

AMERICAN CONSULATE GENERAL
SHANGHAI

January 25, 1938.

Dear Mr. Phillips:

I enclose for your information copy of a telegram received by me yesterday from my Ambassador, quoting a memorandum from the Foreign Office announcing a decision to establish a branch of the Chinese Supreme Court at Shanghai to deal with cases of final appeal brought from the Chinese courts in the International Settlement and French Concession.

I have also sent a copy informally to the Senior Consul.

Very truly yours,
(sgd) C. H. Conant

C. C. Phillips, Esquire,
Secretary, Shanghai Municipal Council,
Shanghai.